

EXHIBIT 1

FORMAL COMPLAINT OF DISCRIMINATION

For use of this form, see AR 690-600; the proponent agency is DSA

PRIVACY ACT STATEMENT (5 USC 552a)

Authority: Public Law 92-261.

Principle Purpose: Formal filing of allegation of discrimination because of race, color, religion, sex, handicap, age, national origin or reprisal.

Routine Uses: This form and the information on this form may be used: (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts and may also be used to respond to general requests for information under the Freedom of Information Act; (b) to respond to requests from legitimate outside individuals or agencies (e.g., Members of Congress, The White House, and the Equal Employment Opportunity Commission (EEOC) regarding the status of the complaint or appeal; and (c) to adjudicate complaint or appeal.

Disclosure: Voluntary; however, failure to complete all appropriate portions of this form may lead to rejection of complaint on the basis of inadequate data on which to determine if complaint is acceptable.

| | | | |
|---|---|---|--|
| 1. NAME OF COMPLAINANT (Last, First, Middle Initial) WINDSOR, Ruthie L. | | 4. ADDRESS (Include City, State, and ZIP Code) [REDACTED] 36330 | |
| 2. SSN [REDACTED] | | | |
| 3b. HOME TELEPHONE NO. [REDACTED] | 3a. WORK TELEPHONE NO. (334) 255-8074 | | |
| 5. ARE YOU BEING REPRESENTED? <input type="checkbox"/> a. Yes (Complete 5c) <input checked="" type="checkbox"/> b. No | | 5c. IF YES, NAME OF REPRESENTATIVE | |
| 6a. NAME OF ARMY ORGANIZATION YOU BELIEVE DISCRIMINATED AGAINST YOU USAATTC | | 6b. ADDRESS OF ALLEGED DISCRIMINATION ORGANIZATION (Include City, State, and ZIP Code) Bldg 30601 CAIRNS ARMY AIRFIELD, Fort Rucker, AL | |
| 7. MAJOR ARMY COMMAND OF ACTIVITY YOU BELIEVE DISCRIMINATED AGAINST YOU USADTC USAATTC MW | 8. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION OCCURRED 20 August 2002 | 9. ARE YOU WORKING FOR THE FEDERAL GOVT.? <input checked="" type="checkbox"/> a. Yes (Complete items 10, 11 and 12) <input type="checkbox"/> b. No (Skip to item 13) | |
| 10. NAME OF AGENCY WHERE YOU ARE CURRENTLY EMPLOYED USAATTC | | 12a. TITLE OF YOUR CURRENT JOB IT Specialist | |
| 11. ADDRESS OF YOUR CURRENT EMPLOYER (Include City, State, and ZIP Code) Bldg 30601 CAIRNS ARMY AIRFIELD Fort Rucker, AL | | 12b. GRADE GS-2210-11 | |
| 13. Reason you believe you were discriminated against (Check Below). | | | |
| <input checked="" type="checkbox"/> a. RACE (State your Race) BLACK | | e. HANDICAP <input type="checkbox"/> Mental <input type="checkbox"/> Physical | |
| b. COLOR (State your Color) | | f. SEX <input type="checkbox"/> Female <input type="checkbox"/> Male | |
| c. RELIGION (State your Religion) | | g. AGE (Specify Age) | |
| d. NATIONAL ORIGIN (State Natl. Origin) | | <input checked="" type="checkbox"/> h. REPRISAL | |
| 14. I HAVE DISCUSSED MY COMPLAINT WITH AN EEO COUNSELOR (See Reverse) <input checked="" type="checkbox"/> a. Yes (Complete 14c) <input type="checkbox"/> b. No | | 14c. IF YES, NAME OF COUNSELOR Kerry Stanley | |
| | | 15. DATE OF FINAL INTERVIEW 4 Oct 02 | |

16. EXPLAIN SPECIFICALLY HOW YOU WERE DISCRIMINATED AGAINST (That is, treated differently from other employees or applicants, because of your race, color, religion, sex, national origin, age, mental or physical handicap, or reprisal.) (If your complaint involves more than one basis for your dissatisfaction, list and number each such allegation separately and furnish specific, factual information in support of each.) (Use additional sheets, if necessary.)

Allegation No. 1:

On 20 August 2002 my supervisor (LTC Keith Darrow) and my Commander (Col David Cripps) informed me that the duties I am performing did not warrant a promotion.

17. LIST IN ITEM 20 THE NAMES OF YOUR WITNESSES AND WHAT FACTUAL INFORMATION EACH WILL BE EXPECTED TO CONTRIBUTE THROUGH HIS/HER TESTIMONY TO THE INVESTIGATION OF YOUR COMPLAINT.

18. WHAT SPECIFIC CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR COMPLAINT? (If more than one allegation is being made, state overall corrective action desired and the specific corrective action desired for each separate allegations.)

Retrospective promotion to GS-12, step 5, effective 13 April 2001, and Attorney Fees.

DEFENDANT'S EXHIBIT NO. 1

DA FORM 2590-R, AUG 89

DA FORM 2590-R, DEC 85 IS OBSOLETE

USAPPC V1.00

CASE NO. 1:05-CV-1196-B

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Received 21 Oct 02
in [unclear]

19. HAVE THE MATTERS LISTED IN ITEM 16 BEEN APPEALED TO THE MERIT SYSTEM PROTECTION BOARD OR FILED UNDER A NEGOTIATED GRIEVANCE PROCEDURE?

☐ a. Yes (Explain in item 20)

☐ b. No

20. REMARKS

21. SIGNATURE OF COMPLAINANT

Ruthie Windsor

22. DATE THIS COMPLAINT FORM WAS SIGNED BY THE COMPLAINANT (Month, day, year)

21 Oct 02

To be Completed by the Organization's EEOO

I certify that: (1) The complainant has reaffirmed this complaint in my presence and has stated that the facts contained therein are true to the best of his/her knowledge; (2) a determined effort at informal resolution of this complaint failed to produce a solution satisfactory to the complainant; and (3) local management in the appropriate change of command has been informed concerning the complaint and its submission in the above format.

23. SIGNATURE OF EEOO

Ruby Warren

24a. TYPED NAME AND TITLE OF EEOO

RUBY WARREN, ACTING, EEOO

24b. ADDRESS OF EEOO

ATZQ-EEO, USAAVNC & FORT RUCKER,
EEO OFFICE, BLDG. 5700, RM. 260, FT. RUCKER, AL

25. DATE COMPLAINT FILED WITH EEOO

21 October 2002

26. TELEPHONE NO. OF EEOO PROCESSING COMPLAINT

DSN 558-9219 or Comm. (334) 255-9219

The matter(s) giving rise to the complaint will be coded using one or more of the following codes:

| CATEGORY | CODE | CATEGORY | CODE | CATEGORY | CODE |
|------------------------|------|----------------------|------|--------------------------|------|
| Appointment | (1) | Training | (9) | Reprisal | (17) |
| Promotion | (2) | Time & Attendance | (10) | Pay, Including Overtime | (18) |
| Reassignment | (3) | Retirement | (11) | Conversion to Full Time/ | |
| Separation/Termination | (4) | Assignment of Duties | (12) | Career Conditional | (19) |
| Suspension | (5) | Exam/Test | (13) | Reinstatement | (20) |
| Reprimand | (6) | Work Conditions | (14) | Awards | (21) |
| Evaluation/Appraisal | (7) | Harassment | (15) | And/Or Other (Specify) | (22) |
| Duty Hours | (8) | Sexual Harassment | (16) | | |

27. Enter Code(s) for Matter(s) Giving Rise to the Complaint

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INFORMATION CONCERNING THE PROCESSING OF YOUR COMPLAINT OF DISCRIMINATION

This form will be used only if you, as an Army employee or as an applicant for Federal employment, think you have been treated unfairly because of your race, color, religion, sex, national origin, age, mental or physical handicap, or reprisal. If you have any questions concerning the completion of this form, you may contact the Equal Employment Opportunity Officer (EEOO) at your activity.

Your written, formal complaint must be filed within 15 calendar days of the date of your final interview with the EEO counselor. If the matter has not been resolved to your satisfaction within 21 calendar days of your first interview with the EEO counselor and the final counseling interview has not been completed within that time, you have a right to file a complaint at any time thereafter up to 15 days after the final interview. Your written formal complaint must be filed within 15 calendar days of the date of your final interview with the EEO counselor. This time limit may be extended if you can give a good reason for not submitting the complaint within the 15 calendar day limit.

You may have a representative at all stages of the processing of your complaint. You or your representative should personally file your complaint with the EEOO of your activity.

If your complaint is accepted, you will have an opportunity to talk with an investigator from the U.S. Army Civilian Appellate Review Agency and to give him or her all the facts you have which you believe will support your complaint. If your complaint is rejected, you will be advised in writing of the reason/s/ and advised of the right to appeal. Upon completion of the investigation of your complaint, you will receive a copy of the investigator's report and an attempt will be made to resolve the complaint then.

If your complaint cannot be settled informally on the basis of the investigation, you may request a review of your record by the Department of the Army Director of Equal Employment Opportunity, or you may request a hearing at this stage. If a hearing is requested, it will be conducted by an administrative judge designated by the EEOC. The findings, analysis, and recommendations will be forwarded to the Director of EEO for decision. You will be advised by the Director of the decision and provided a copy of the case record.

If you are not satisfied with the Director's decision, you will have the right to appeal to the Office of Review and Appeals of the EEOC, P.O. Box 19848, Washington, D.C. 20036, within 20 calendar days after receipt of the decision.

Please be specific in stating the facts concerning your complaint in items 15 through 19.